

M. David Graubard, Esq.
Kera & Graubard
Attorneys for Debtor
240 Madison Avenue, 7th floor
New York, NY 10016
(212) 681-1600

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

234 8TH ST. CORP.,

Chapter 11
Case No. 13-42244

APPLICATION

Debtor.
-----X

TO THE HONORABLE BANKRUPTCY JUDGE OF THE EASTERN DISTRICT:

The application of 234 8th St. Corp. respectfully shows:

1. On April 17, 2013 the debtor filed a voluntary petition for reorganization under Chapter 11 of the United States Bankruptcy Code and was duly authorized to remain as debtor in possession.

2. The debtor will need counsel in connection with the proceeding and wishes to retain the firm of Kera & Graubard as attorneys for the debtor and debtor in possession. Annexed hereto is the affidavit of M. David Graubard in support of this application.

3. Counsel is necessary for the debtor in connection with the general administration of the Chapter 11 case.

4. Applicant has chosen the firm of Kera & Graubard for its experience and expertise in the area of insolvency law. The law firm of Kera & Graubard previously represented this debtor in a prior Chapter 11 case filed in the Eastern District, case number 09-48330. The law firm of Kera & Graubard also previously represented business entities in which the debtor's vice-president had been involved as a real estate manager.

5. Upon information and belief, the firm of Kera & Graubard does not represent any interest that is adverse to this estate and is a disinterested person as that term is

defined under Bankruptcy Code §101(14).

WHEREFORE, applicant respectfully requests that an order be made authorizing employment of counsel for the debtor and debtor in possession and for such other and further relief as may be proper, all for which no previous application has been made.

Dated: New York, New York

~~April 16~~ 2013
MAY 7,

234 8TH ST. CORP.

By: 

Nick Gordon, Vice-President

M. David Graubard, Esq.
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CERTIFICATION

Debtor.
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M. David Graubard hereby certifies the following under the penalties of perjury:

1. Affirmant is a member of the firm of Kera & Graubard, 240 Madison Avenue, New York, New York.

2. Prior to the employment of deponent's firm in connection with this Chapter 11 case, deponent's firm had represented the debtor in a prior Chapter 11 case filed in this district, case number 09-48330. Also, deponent's firm represented other business entities in which this debtor's vice-president had been involved as a real estate manager.

3. Upon information and belief, deponent's firm has not had any connection with any of the creditors herein, or their respective attorneys, except that deponent's firm is engaged in the practice of insolvency law and in connection with other cases, may have had a connection with some of the creditors in this proceeding. Specifically, Affirmant represents a defendant in a lawsuit in which the plaintiff is represented by the law firm that represents the secured creditor in this case.

4. To deponent's best knowledge and information, deponent's firm does not hold or represent any interest that is adverse to this estate and is a disinterested person as that term is defined in Section 101(14) of the Bankruptcy Code.

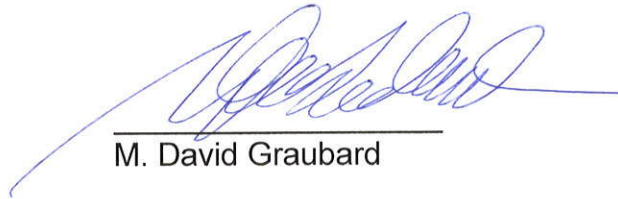
5. No creditors' committee has been appointed herein.

6. Deponent's current hourly rate is \$350 per hour. The current hourly rate for deponent's partner is also \$350 per hour.

7. A retaining fee in the sum of \$15,000 has been agreed to be paid by Mr. Nick Gordon, the vice-president of the debtor.

Dated: New York, New York

MAY 6, 2013



M. David Graubard

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AFFIRMATION OF NICK GORDON
WITH RESPECT TO RETENTION OF COUNSEL
FOR THE DEBTOR

Nick Gordon, hereby affirms the following to be true under the penalties of perjury:

1. Affirmant is the vice-president of 234 8th St. Corp., the debtor in this case.
2. I have personally undertaken to pay the retaining fee to Kera & Graubard because the debtor does not have the funds available to do so.
3. Affirmant fully understands that the first duty of Kera & Graubard is to the debtor, notwithstanding that affirmant has undertaken payment of the retaining fee. Affirmant fully recognizes that should it be necessary for legal representation be retained with respect to my own legal position, that I would have to retain independent legal counsel of my own choosing.

4. I understand that the details of the agreement that I entered into with counsel for the debtor has been set forth in the Rule 2016(b) Statement that counsel has filed with the Bankruptcy Court.

5. Accordingly, deponent respectfully requests that this Court allow the retention of Kera & Graubard, as counsel for the debtor and debtor in possession.

Dated: New York, New York
~~April~~ 7, 2013
MAR 7



Nick Gordon